

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Stanley R. Chesler
v. : Criminal Number 10-579 (SRC)
STEPHEN P. ARENA, and : O R D E R
DAVID J. CAIVANO

This matter having been opened to the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (Anthony Moscato, Assistant U.S. Attorney, appearing), and defendants Stephen P. Arena (Nicholas G. Kaizer, Esq., appearing) and David J. Caivano (Victor Sherman, Esq. and David T. Shivas, Esq., appearing), and good cause having been shown, the Court makes the following findings:

1. As represented by and through counsel for defendant Caivano, defendant Caivano is currently physically unable to stand trial or to meaningfully participate in his defense, including the litigation of outstanding motions in this matter. As such, the Court finds that defendant Caivano is, at the present time, physically unable to stand trial. 18 U.S.C. § 3161(h)(4).

2. The parties in this matter have filed pretrial motions; however, because of defendant Caivano's current physical condition and his desire and right to be present during the litigation of such matters, the disposition of these motions cannot be promptly decided by the Court. 18 U.S.C. § 3161(h)(1)(D).

3. Defendant Arena, through counsel, has requested additional time to negotiate a plea agreement with the United States and thereby avoid a possible trial.

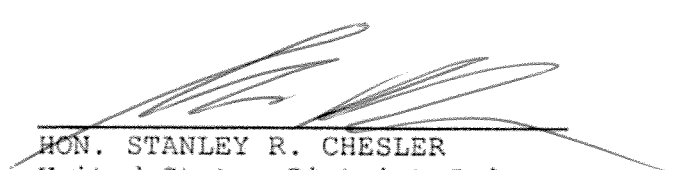
4. The failure to grant such a continuance in the proceedings would be likely to result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(i).

5. The ends of justice served by granting a continuance of the trial date outweigh the best interest of the public and each defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A)

IT IS, therefore, on this 12 day of March, 2012


ORDERED that the trial date in this matter is continued until September 4, 2012, and that the period of time from the date of this Order through and including September 4, 2012 shall be excluded for the purpose of computing time under the Speedy Trial Act; and it is further

ORDERED that the return date for pretrial motions and the date for trial will be determined by the Court, contingent on defendant Caivano's physical ability to stand trial.

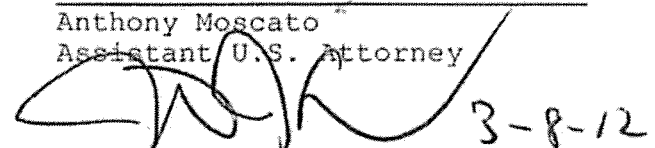


HON. STANLEY R. CHESLER
United States District Judge

Consented to:



Anthony Moscato
Assistant U.S. Attorney



Nicholas G. Kaizer, Esq.
Attorney for defendant Arena

Victor Sherman, Esq. or
David T. Shivas, Esq.
Attorneys for defendant Caivano

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HON. STANLEY R. CHESLER
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